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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 ROBERT UNDERWOOD JR.,

14 Defendant.
15

CASE NO. CR10-5293RJB

ORDER ON OBJECTIONS TO
PORTIONS OF DEPOSITION

16 This matter comes before the court on the Defense Evidentiary Objections and Motions
17 to Exclude Portions of Deposition Testimony of D.P. (Dkt. 145) and on the government's
18 objections to portions of the same deposition found in Government's Response to Defendant's
19 Evidentiary Objections to the Deposition (Dkt. 153 at page 8). The court is familiar with the
20 records and files herein and documents filed in support of and in opposition to the deposition and
21 the objections made to it. If the deposition is used at trial, it should first be edited to incorporate
22 these rulings.

23 The court now makes the following rulings on the objections made by defendant:
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1	Page 14, lines 11-15	Overruled
2	Page 16, lines 13-17	Overruled
3	Page 17, lines 9-13	Overruled
4	Page 19, lines 16-22	Overruled
5	Page 20, lines 20-25, page 21, lines 1-14	Overruled, except sustained as to
6		lines 6 and 7 on page 21
7	Page 27, lines 22-25, page 28, line 1	Overruled
8	Page 28, lines 6-8	Sustained as to lines 6 and 7;
9		overruled as to line 8
10	Page 30, lines 13-14	Overruled
11	Page 32, lines 11-12	Overruled
12	Page 32, lines 22-23	Overruled
13	Page 34, lines 13-14	Overruled
14	Page 35, lines 11-12	Overruled
15	Page 37, lines 12-16	Overruled
16	Page 37, lines 17-21	Overruled
17	Page 40, lines 23-25, page 41, lines 1-2	Overruled
18	Page 42, lines 9-11	Overruled
19	Page 44, lines 2-5	Sustained
20	Page 46, lines 14-20	Overruled
21	Page 48, lines 14-16	Overruled
22	Page 52, lines 4-6	Overruled
23	Page 54, lines 18-24	Overruled
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1	Page 55, lines 19-23	Overruled
2	Page 57, lines 2-25, page 58, lines 1-25	Sustained
3	Page 59, lines 1-7	Sustained
4	Page 59, lines 11-25, page 60, lines 1-20	Overruled
5	Page 60, lines 21-25, page 61, lines 1-4	Sustained
6	Page 61, lines 5-12	Sustained
7	Page 61, lines 23-24	Sustained as to the following
8		language: "And that's before I
9		started getting molested." The
10		objection is otherwise overruled.
11	Page 63, lines 4-10	Overruled
12	Page 63, lines 16-17, 20-25	Sustained
13	Page 64, lines 13-19, 22, 24	Sustained
14	Page 64, line 25, page 65, lines 1-3, 6-12, 12-15	Sustained as to page 64 line 25
15		through the end of the sentence at
16		Page 65, line 1. The objection is
17		overruled as to the following: "I
18		told that to April too. I told April
19		– I said, you know April – I said I
20		don't lie to nobody. You know
21		that." The objection is sustained
22		as to the remainder of Line 3
23		through the first three words of
24		line 6. The objection is sustained
		as to the material beginning with
		the word "and" on line 6 and
		continuing through line 15.
	Page 65, lines 18-20	Overruled
	Page 66, lines 3-6	Overruled
	Page 67, line 22	Overruled

1	Page 68, lines 2, 5 and 17	Overruled
2	Page 77, line 23	Overruled as to the word “No”
3		and sustained as to the remainder
4		of line 23
5	Page 92, lines 21-23	Sustained up to “man” on line 23
6		and is otherwise overruled
7	Page 92, lines 23, 25, page 93, line 1	Overruled
8	Page 93, lines 21-25, through page 94, lines 1-17	Sustained
9	Page 95, lines 15-25	Sustained
10	Page 120, lines 21-25 to page 121, lines 1-7	Overruled as to the words “that’s
11		right” on Line 21 and is otherwise
12		sustained
13	Page 131, line 24, Page 132, lines 1-25	Sustained
14	through page 133, lines 1-24	
15	Page 165, line 1-4	Sustained
16	Page 165, lines 12-15	Sustained
17	Page 165, lines 16-20	Sustained
18	Page 165, lines 21-25, page 166, lines 1-6	Sustained
19	Page 166, lines 7-11	Sustained
20	Page 166, line 25, page 167, lines 1-4	Sustained
21	Page 167, lines 18-20	Sustained
22	Page 167, lines 21-22	Sustained
23	Page 168, lines 18-22	Overruled except sustained as to
24		“I know you are doing the best
		you can”
	Page 169, lines 1-4	Overruled

1	Page 169, lines 5-6	Overruled
2	Page 169, lines 7-11	Overruled
3	Page 170, lines 3-7	Overruled
4	Page 170, lines 8-23	Sustained
5	Page 170, lines 24-25, page 171, lines 1-10	Sustained
6	Page 171, lines 13-21	Sustained
7	Page 171, lines 22-25, page 172, lines 1-2	Sustained
8	Page 172, lines 3-7	Sustained
9	Page 172, lines 8-14	Sustained
10	Page 172, lines 15-24	The objection is sustained as to the material from line 15 to 18; is overruled as to lines 19-21; is sustained as to the words beginning at line 22 "Because he figured I probably would turn this into the police department and that" and overruled as to the remainder of that answer.
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16	Page 172, line 25, page 173, lines 1-7	Sustained
17	Page 173, lines 8-17	Sustained
18	Page 173, lines 18-23	Sustained
19	Page 173, lines 24-25, page 174, lines 1-8	Sustained
20	Page 175, lines 2-7.	Overruled
21	Page 176, lines 1-9	Sustained
22	Page 176, lines 10-13	Sustained
23	Page 176, lines 19-23	Sustained
24		

Page 178, lines 11-12

Overruled

In regard to the government's objections, the court makes the following ruling:

All of the government's objections as found in Docket 123 beginning at page 22 are overruled.

The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any party appearing *pro se* at said party's last known address.

Dated this 7th day of February, 2014.

A handwritten signature in black ink, reading "Robert J. Bryan", written over a horizontal line.

ROBERT J. BRYAN
United States District Judge